



W.A(MD) No.2122 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 08.08.2025

Pronounced On : 13.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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and

C.M.P.(MD)No.12180 of 2025

1.The Managing Director,
Tamil Nadu State Transport Corporation (KUM) Ltd.,
Railway Station New Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation (KUM) Ltd.,
Velipalayam,
Nagapattinam Region,
Nagapattinam.

... Appellants /Respondents 1&2

Vs.

1.R.Veerakumar

... 1st Respondent / Writ Petitioner

2.The Administrator,
Tamil Nadu State Transport Corporation Ltd.,
Employees Pensions Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-2.

... Respondent / 3rd Respondent



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed by this Court in W.P.(MD)No. 18806 of 2024 dated 14.08.2024 and allow the same.

For Appellants : Mr.M.Ajmal Khan
Additional Advocate General
for Mr.K.Ramiah

For Respondents : Mr.K.Gokul for R1
: Mr.S.C.Herold Singh for R2

ORDER

(By G.R.SWAMINATHAN, J.)

The Management of TNSSTC (KUM) Limited has filed this writ appeal against the order dated 14.08.2024 made in WP(MD)No.18806 of 2024 filed by the first respondent herein.

2.The first respondent herein was appointed as Driver on 31.07.1995. When he reached the age of superannuation, while permitting him to retire, the management reserved the right to proceed in a pending disciplinary action. It was further stated that only after conclusion of the pending criminal case, his terminal benefits would be



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settled. Challenging the same, the first respondent herein filed W.P. (MD)No.19131 of 2018. It was allowed on 09.11.2022 and the management was directed to settle the terminal benefits.

3.As already mentioned, he had been issued with a charge memo on 25.05.2018. Based on the charge memo, enquiry was conducted and on 11.07.2023, an order was passed imposing the punishment of reduction from the last drawn basic pay by one stage. Challenging the same, W.P.(MD)No.18806 of 2024 was filed. It was allowed by the learned single Judge on 14.08.2024. Aggrieved by the same, this writ appeal came to be filed.

3.The learned Additional Advocate General appearing for the appellants reiterated all the contentions set out in the grounds of appeal. He contended that when the charge memo had been issued before the petitioner reached the age of superannuation, it was open to the disciplinary authority to proceed in the matter and impose punishment. He would also point out that the writ petitioner is implicated in a serious criminal case involving bribery and that therefore, this Court ought not to



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take a lenient view.

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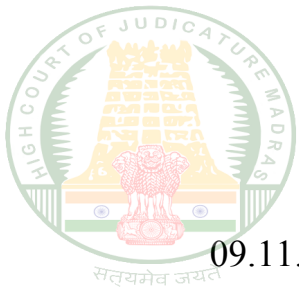
4.Per contra, learned counsel appearing for the writ petitioner submitted that interference with the order of the learned single Judge is not called for.

5.We carefully considered the rival contentions and went through the materials on record. As already mentioned, the writ petitioner reached the age of superannuation on 31.07.2018. On the same day, an office order was passed. It reads as under:-

□தாங்கள் பணியிலிருந்து ஓய்வு பெறும் வயதை அடைந்துவிட்டபடியால், தங்கள் மீது நிலுவையில் இருக்கும் (றவாழரவ ிசந்தரனடைந வழ வாந ிநனெநடெல ழக வாந னுமு6:யுனு:ளீடு:..2004 டிசுஐடெந ஊயளந ிநனெபெ) வழக்கினால் குந்தகமில்லாமல் உள்ள நிலையில் இவர் 31.07.2018 அன்றுடன் பணி ஓய்வில் பணியிலிருந்து விடுவிக்கப்படுகிறார்

மேலும் தங்களது கணக்குகள் நிலுவையில் உள்ள வழக்குகள் முடிந்த பின் நேர் செய்யப்படும்□

Challenging the same, the writ petitioner had filed WP(MD)No.19131 of 2018. The said writ petition was allowed by one of us (GRSJ) on



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09.11.2022. The said order reads as follows:-

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“2. The writ petitioner joined the respondent Corporation in the year 1995. An allegation was made that a number of Corporation employees received illegal gratification with the promise of securing employment for outsiders. The petitioner was one of the accused in Crime No.25 of 2003 registered on the file of the D.S.P, Vigilance and Anti Corruption, Thanjavur Detachment. Even though several years passed by, there was no progress in the investigation. Some of the accused reached the age of superannuation. They filed writ petitions and the same were allowed and the accused employees were allowed to retire. The terminal benefits were ordered to be settled with interest. The Management filed writ appeals. One such order passed by the Hon’ble Division Bench in W.A.(MD)No.618 of 2017 dated 16.06.2017 is enclosed in the typed set of papers. The Hon’ble Division Bench while sustaining the order passed by a learned Single Judge set aside the direction for payment of interest. The case on hand is similar. Adopting the very same approach, the order impugned in the writ petition is quashed.

3. The respondents are directed to permit the petitioner to retire from service. The terminal benefits due and payable to the petitioner shall be settled within a period of twelve weeks from the date of receipt of a copy of this order. In view of the order passed by the Hon’ble Division Bench, such settlement and disbursement will not carry any interest. If there is delay beyond the period of twelve weeks it would carry 6% interest from the date of default. This writ petition is allowed on these terms.”

6. The effect of the order dated 09.11.2022 is that the management



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was directed to retire the writ petitioner from service. The said order was not put to challenge. It had become final. Therefore, the relationship of employer-employee stood snapped. It is relevant to note that the writ petitioner was facing a criminal case along with many others since 2003. The co-accused were permitted to retire. Their retirement benefits were also ordered to be settled. The same treatment was extended to the writ petitioner. Of course, there was an additional feature in the case of the petitioner. Unlike others, apart from criminal prosecution, he was also facing disciplinary action. But this aspect of the matter was not brought to the notice of the court when WP(MD)No.19131 of 2018 was disposed of. As a result, the management was not given any liberty to pursue the pending disciplinary action. The resultant effect is that the management lacked the jurisdiction to pass any order of punishment on the writ petitioner on 11.07.2023 when he had already retired on 09.11.2022 by virtue of order of the writ court. The disciplinary authority can pass an order of punishment on an employee who had been allowed to retire only if the said power is specifically reserved and not otherwise. That is why, in Paragraph No.6 of the order impugned in this writ appeal, the learned single Judge had observed as follows:-



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“6. A perusal of the order, dated 31.07.2018, passed by the second respondent, reflects that the management had reserved their right to continue with the departmental proceedings. This order has been challenged before this Court and the same was set aside and, consequently, a direction was issued to the transport Corporation to permit the writ petitioner to retire from service and to disburse the terminal benefits. Therefore, the contention of the learned counsel for the respondent Corporation that the Charge Memo has not been quashed is not legally sustainable.”

7. The approach adopted by the learned single Judge is justified. Interference with the said order is not warranted. The writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)

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Index : Yes / No

Internet : Yes / No

NCC : Yes / No

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